

REMARKS

Claims 2 and 6-7 have been canceled. Claims 1, 3-5, and 8 remain pending in the application. Applicants amend claim 1 for further clarification. No new matter has been added.

Claim 1 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

Applicants amend claim 1 to address the indefiniteness issue raised by the Examiner, and, accordingly, respectfully request that the Examiner withdraw the § 112, ¶ 2 rejection.

Claims 1, 3-4, and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicants' Admitted Prior Art ("AAPA") in view of U.S. Patent Application Publication No. 2002/0114333 to Xu et al., and further in view of U.S. Patent No. 6,717,944 to Bryden et al.; claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Xu et al., Bryden et al., and further in view of U.S. Patent Application Publication No. 2002/0087730 to Yonekura. Applicants respectfully traverse the rejections.

The alleged AAPA includes description of a network in which transmission path ports in transmitters are connected through transmission paths such as optical fiber paths, and data communications is performed between transmitters. Xu et al. describe a device that provides for sending datagrams representing real time streaming media frames to a client, independent of whether the client is served by a network address proxy. Bryden et al. describe that whenever a source CPE node 402 wants to send a unicast protocol message to a device that is supported by a destination CPE node 410, the source CPE node 402 uses a routing table to determine a next hop address associated with the unicast protocol message, searches its ARP table to find a local Frame Relay virtual circuit corresponding to the next hop address, sends the unicast protocol message to a local edge node 404 over the local Frame Relay virtual circuit using a DLCI corresponding to the local Frame Relay virtual circuit.

The Examiner relied upon the description on col. 8, lines 22-27 of Bryden et al. as alleged suggestion of the claimed relay judging feature. Page 7, lines 1-7 of the Office Action. Such portion of Bryden et al. only includes, however, description of a shortcoming that Bryden et al. explicitly teach away from by describing “one embodiment” for overcoming the problem of “remote edge node (412) ... not yet [mapping] the spare Frame Relay virtual circuit (DLCI) to a particular IP tunnel.” Col. 8, lines 6-14, and line 27 et seq. of Bryden et al.

And, in any event, the relied upon description in Bryden et al. only includes

“[u]pon receiving the unicast protocol message from the other CPE node (414), the remote edge node (412) searches its forwarding table to determine the *IP tunnel* corresponding to the *Frame Relay virtual circuit (DLCI)*, and drops the unicast protocol message upon determining that there is no *IP tunnel* corresponding to the *Frame Relay virtual circuit (DLCI)*.” Col. 8, lines

Furthermore, the Examiner relied upon contradictory suggestion from Xu et al. of:

“[a] call control manager [maintaining] a session table (Fig. 3b @ 48) that is used to compare the extracted datagrams parameters in order to establish a session connection between different users *if no match for parameters are found on the session table the parameters are added onto the session table* (Fig. 3b @ 48, Fig. 7).” Page 5, line 22 to page 6, line 4 of the Office Action. (Emphasis added)

Applicants, therefore, respectfully submit that the Examiner has failed to establish a prima facie case of obviousness in failing to provide any suggestion, motivation, or objective reason—other than improper hindsight from the claimed invention itself—to alter and combine the cited references to meet the claimed invention. And even assuming, arguendo, that it would have been obvious to one skilled in the art at the time the claimed invention was made to modify AAPA in view of Xu et al. and Bryden et al., such a combination would still have failed to disclose or suggest,

“[a] transmitter in a network where a plurality of transmitters have an individual specific address and are connected through different transmission paths so that a packet with information about a source address is transmitted, said transmitter comprising:

a plurality of transmission path ports respectively connected to said different transmission paths, each transmission path port being adapted to send said packet to and receive said packet from one of said transmission paths; and

a relay section for relaying the received packet received in one of said transmission path ports to a relay transmission path of said transmission paths by which said received packet reaches its destination;

wherein said relay section comprises:

a table for storing information about the relay of said received packet to one of said transmission path ports connected to said relay transmission path, correlated with a port identifier of each said transmission path port and the source address of the transmitter that transmitted said packet; and

a router for extracting the port identifier of the transmission path port that received said packet and said source address contained in said received packet, and routing said received packet to one of said transmission path ports, which is connected to said relay transmission path, by referring to said table for said extracted port identifier and source address, wherein said router comprises:

a receiving port extracting part for extracting the receiving port identifier of the transmission path port that received said packet;

a source address extracting part for extracting the source address contained in said received packet; and

a routing part for performing said routing by referring to said table in response to said receiving port identifier extracted by said receiving port extracting part and said source address extracted by said source address extracting part, wherein said routing part comprises:

a judging part for judging whether or not to relay said received packet by referring to said table, based on said receiving port identifier extracted by said receiving port extracting part and said source address extracted by said source address extracting part; and

an assigning part for assigning said received packet to a transmission path port when it is judged by said judging part that said received packet is relayed,” as recited in claim 1.
(Emphasis added)

Applicants, again, refer the Examiner to Figs. 2-3, and their corresponding description in the specification, for exemplary embodiments of the above-cited claim features—e.g., “relayed (o)” and “not relayed (x).” Advantageously, the claimed invention provides for enhancing packet transmission efficiency, minimizing packet congestion, and improving the quality of transmission paths by improving the efficient use of redundant structure.

Accordingly, Applicants respectfully submit that claim 1, together with claims 3-4 dependent therefrom, is patentable over AAPA, Xu et al., and Bryden et al., separately and in combination, for at least the foregoing reasons. Claim 8 incorporates features that correspond to those of claim 1 cited above, and is, therefore, patentable over the cited references for at least the same reasons. The Examiner cited and applied Yonekura as a further combining reference to specifically to address the additional features recited in claim 5, which depends from claim 1. Yonekura describes a content relay service device disposed on a path between a portable telephone and a WWW server. As such, a further combination with this additional reference would still have failed to cure the above-described deficiencies of AAPA, and Xu et al., and Bryden et al., even assuming, arguendo, that such a further combination would have been obvious to one skilled in the art at the time the claimed invention was made. Accordingly, Applicants respectfully submit that claim 5 is patentable over the cited references for at least the above-stated reasons with respect to claim 1, from which claim 5 depends.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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